

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 3:18-cr-00049-DPJ-LRA-1

DIJON JAMESE SEALS

ENTRY OF GUILTY PLEA

BEFORE THE HONORABLE DANIEL P. JORDAN III  
UNITED STATES DISTRICT JUDGE  
FEBRUARY 8, 2019  
JACKSON, MISSISSIPPI

APPEARANCES:

FOR THE GOVERNMENT: MS. ERIN O. CHALK

FOR THE DEFENDANT: MR. DAMON R. STEVENSON

REPORTED BY: CHERIE GALLASPY BOND  
Registered Merit Reporter  
Mississippi CSR #1012

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501 E. Court Street, Ste. 2.500  
Jackson, Mississippi 39201  
(601) 608-4186

1 THE COURT: All right. Mr. Seales, why don't you come  
2 on up with your client. All right. Mr. Seales, it's my  
3 understanding is that you wish to change your plea as to Counts  
4 1 and 3 of the indictment. Is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Mr. Stevenson, do me a favor --  
7 yeah. Mr. Seales, I'm going to ask you a number of questions  
8 here this morning. It's important if you would speak directly  
9 into the microphone because we're going to record everything  
10 that you and I say today. Ms. Powell is going to give you an  
11 oath at this time.

12 (Defendant Sworn)

13 THE COURT: All right. Do you understand that you're  
14 now under oath?

15 THE DEFENDANT: Sir.

16 THE COURT: Do you understand that you're now under  
17 oath and that your answers to my questions have to be truthful?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that if your answer are  
20 not truthful that you could be prosecuted for giving a false  
21 statement?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. What is your full name?

24 MR. STEVENSON: I apologize. Just briefly, Your  
25 Honor.

1 (Short Pause)

2 THE DEFENDANT: Dijon James Seales.

3 THE COURT: All right. Mr. Seales, if I ask you a  
4 question today that you can't hear, I want you to tell me that  
5 you can't hear it. And if I ask you a question that you don't  
6 understand, if you want me to repeat the question I want you to  
7 let me know. Okay?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: I want to make sure that before you answer  
10 that you fully understand what I'm asking so that we're all on  
11 the same page. Okay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And obviously you need to answer out loud  
14 to all of these questions so that we can make a record. All  
15 right?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. How old are you?

18 THE DEFENDANT: Twenty-eight.

19 THE COURT: I'm sorry?

20 THE DEFENDANT: Twenty-eight.

21 THE COURT: Twenty-eight?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. How far did you go in school?

24 THE DEFENDANT: Seventh grade.

25 THE COURT: Okay. Are you able to read and write?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Have you ever been treated for any  
3 mental illnesses?

4 THE DEFENDANT: No, sir.

5 THE COURT: Have you ever been treated for any  
6 addiction to narcotic drugs of any kind?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Tell me about that.

9 THE DEFENDANT: When I first went to prison, I got a  
10 certificate for alcohol and drugs.

11 THE COURT: Okay. Have you had any treatment when you  
12 weren't incarcerated?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Where was that treatment?

15 THE DEFENDANT: Rehab at a church in Neshoba County.

16 THE COURT: Okay. How long ago was that?

17 THE DEFENDANT: 2010, '09, '10.

18 THE COURT: Okay. Are you currently --

19 THE DEFENDANT: No, sir, I'm sorry. It may have been  
20 2012.

21 THE COURT: Okay. Are you currently under the  
22 influence of any drug, medication, or alcoholic beverage of any  
23 kind?

24 THE DEFENDANT: No, sir.

25 THE COURT: All right. Do you feel like you're able

1 to communicate with Mr. Stevenson?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You feel like you can understand what he's  
4 telling you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you feel like you can express your  
7 thoughts to him?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Do you feel like that you can, you  
10 know, speak with him well enough to assist in your own defense?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Do you understand why we're here  
13 today and what's happening?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. On the date of the offense that's  
16 charged in the indictment, were you mentally able to know the  
17 difference between right and wrong?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And did you know that it was wrong to  
20 engage in drug trafficking and to possess a firearm as a  
21 convicted felon?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Okay. Mr. Stevenson, obviously Mr. Seales  
24 is emotional, and I understand that completely. I want to make  
25 sure is there any indication that you've seen that would

1 suggest that he would lack competence to go forward today?

2 MR. STEVENSON: No, sir. I do believe that he does  
3 understand the nature of the proceedings and can participate  
4 knowingly and intelligently.

5 THE COURT: You feel like he's able to assist you in  
6 his defense?

7 MR. STEVENSON: Yes, sir, Your Honor.

8 THE COURT: Okay. All right. Ms. Chalk, do you have  
9 any reservations with respect to his competence to enter a  
10 plea?

11 MS. CHALK: No, Your Honor. The government does not  
12 raise any issue as to the competency of this defendant.

13 THE COURT: All right. Mr. Seales, did you read the  
14 indictment, those are the written charges against you in this  
15 case?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And did you have a chance to fully discuss  
18 those charges and any other possible charges with  
19 Mr. Stevenson?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Were you able to discuss your case in  
22 general with your attorney to include any possible defenses  
23 that you might have?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And was he able to answer your questions

1 for you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you feel like you fully understand  
4 what the government says you did in this indictment?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Mr. Stevenson, would you agree  
7 that you've had those conversations and he does understand the  
8 charges he faces?

9 MR. STEVENSON: Yes, sir, Your Honor.

10 THE COURT: Mr. Seales, are you satisfied with the  
11 amount of time you've had to spend with your attorney?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you satisfied with the amount of time  
14 your attorney has spent on your case?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Are you fully satisfied with the counsel,  
17 representation, and advice given to you in this case by  
18 Mr. Stevenson?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, if you have any complaints about your  
21 attorney, I do want to know about it. But today's the best day  
22 to let us know. Do you have any kind of complaints?

23 THE DEFENDANT: No, sir.

24 THE COURT: All right. I understand that your  
25 agreement with the government has been written down in a couple

1 of documents. One is a plea agreement and the other is called  
2 the plea supplement. Did you have a chance to read both of  
3 those documents and discuss them with Mr. Stevenson before you  
4 signed them?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And did you have a chance to ask your  
7 attorney any questions that you might have had about what those  
8 documents say?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And was Mr. Stevenson able to answer your  
11 questions for you?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Do you feel like you fully understand the  
14 terms of both the plea agreement and the supplement?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Mr. Stevenson, do you agree you have gone  
17 through those documents with your client and that he does  
18 understand the terms of his agreement with the government?

19 MR. STEVENSON: Yes, sir. And I would just state for  
20 the record although the plea agreement and supplement is signed  
21 and dated today, my client was previously supplied a copy of  
22 both of these documents and we had previously discussed them  
23 many weeks prior to today.

24 THE COURT: Okay. All right. Mr. Seales, Ms. Chalk  
25 is going to tell me the key provisions of these agreements.



1 And then when she's finished, I'm going to ask if you agree  
2 with her description of the documents. Ms. Chalk?

3 MS. CHALK: Thank you, Your Honor. Your Honor, in  
4 this particular case, the defendant has agreed to plead guilty  
5 to Count 1 and Count 3 of the indictment. Count 1 charges the  
6 defendant with a violation of Title 21, United States Code,  
7 Section 841(a)(1). The defendant is charged with possession  
8 with intent to distribute five grams of more of  
9 methamphetamine. He's also charged in Count 3 in the  
10 indictment with violation of Title 18, United States Code  
11 Section 824(c)(1) possession of a firearm in furtherance of a  
12 drug trafficking crime.

13 The defendant -- in exchange for the defendant's  
14 agreement, the government will recommend the defendant be  
15 sentenced as set forth in the plea supplement that is filed  
16 under seal. The plea supplement and plea agreement have been  
17 executed by the defendant, his attorney, and myself on behalf  
18 of the United States.

19 The defendant also agrees to forfeit his interest in a  
20 Glock 43 pistol bearing serial number BEME924, a Ruger AR-15  
21 assault rifle bearing serial number 854138-43. Your Honor, the  
22 indictment registers it as a Ruger AR-15 assault rifle. It is  
23 an AR-556 assault rifle. They are both assault types, but the  
24 serial number is correct. We would make a motion for a  
25 scrivener's error as to that, but the agreed preliminary order

1 of forfeiture will reflect the specific Ruger markings.

2 THE COURT: Any objection to that?

3 MR. STEVENSON: No, sir, Your Honor.

4 THE COURT: All right. That's granted.

5 MS. CHALK: He also agrees to forfeit a bump stock and  
6 any ammunition. The government will also move to dismiss at  
7 sentencing the remaining counts of this indictment and charges  
8 filed in a companion indictment in criminal number  
9 3:18CR52DPJ-LRA.

10 The defendant also hereby expressly waives the  
11 following rights, except that the defendant reserves the right  
12 to raise ineffective assistance of counsel claims.

13 The defendant waives the right to appeal the  
14 conviction and sentence or the manner in which that sentence  
15 was imposed under any ground whatsoever.

16 He waives the right to contest the conviction and  
17 sentence or the manner in which that sentence was imposed in  
18 any postconviction proceeding, including but not limited to, a  
19 motion under Title 28 United States Code Section 2255 and any  
20 type of proceeding claiming double jeopardy or excessive  
21 penalty as a result of any forfeiture ordered in this case.

22 The defendant waives any right to seek attorneys fees  
23 and costs. The defendant waives all rights, whether asserted  
24 directly or by a representative, to request or receive records  
25 about this case under the Freedom of Information Act or the

1 Privacy Act.

2 The defendant further acknowledges and agrees that any  
3 factual issues regarding the sentencing will be resolved by the  
4 sentencing judge under a preponderance of the evidence  
5 standard, and the defendant waives any right to a jury  
6 determination of these sentencing issues.

7 The defendant further agrees that in making its  
8 sentencing decision, the district court may consider any  
9 relevant evidence without regard to its admissibility under the  
10 rules of evidence applicable at trial.

11 At this time, Your Honor, the United States requests  
12 the court have the defendant personally confirm that he  
13 understands and agrees with the terms of plea agreement, the  
14 plea supplement including the waivers as outlined by the  
15 government.

16 THE COURT: Mr. Seals, do you agree with the terms  
17 that Ms. Chalk just told us?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Mr. Stevenson, is it  
20 consistent with your understanding also?

21 MR. STEVENSON: Yes, sir.

22 THE COURT: Now, Mr. Seales, that's just some of the  
23 highlights. But to be clear, you've read, discussed, and fully  
24 understand all of the terms of both the plea agreement and the  
25 supplement. Is that correct?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And there's some provisions that Ms. Chalk  
3 mentioned. I believe they are in paragraph 8 and its  
4 subparagraphs where you're giving up some rights that you would  
5 otherwise have.

6 Do you understand that by agreeing to this plea  
7 agreement that you are giving up your right to appeal the  
8 conviction, the sentence, or the manner in which the sentence  
9 was imposed on any grounds whatsoever? And you're also giving  
10 up the right to raise those same issues in any postconviction  
11 proceedings, in other words, like a habeas proceeding,  
12 including but not limited to, a motion under Section 2255.

13 Have you discussed what you're giving up there in  
14 paragraph 8?

15 MR. STEVENSON: Yes, sir.

16 THE COURT: And are you knowingly and voluntarily  
17 agreeing to those waivers along with all of the other terms of  
18 both the plea and the plea supplement?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you the terms of the plea agreement and  
21 supplement represent everything that you've agreed to with the  
22 government?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: In other words, nobody's made any side  
25 deals here?

1 THE DEFENDANT: No, sir.

2 THE COURT: Okay. Has anyone made any other offers or  
3 promises of any kind in an effort to induce you to plead  
4 guilty?

5 THE DEFENDANT: No, sir.

6 THE COURT: Do you understand that the terms of the  
7 plea agreement and the supplement are just recommendations to  
8 the court and that I can reject those recommendations without  
9 allowing you to withdraw your plea of guilt and impose a  
10 sentence that's more severe than you may anticipate?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Ms. Chalk, I looked at this  
13 quickly. I didn't see any stipulation -- well, there's a  
14 stipulation with respect to the acceptance of responsibility.

15 MS. CHALK: Yes, Your Honor. The government does  
16 stipulate that the defendant should receive the two levels of  
17 acceptance of responsibility, and the government will grant the  
18 third level as well, but there is no other stipulation.

19 THE COURT: All right. Mr. Stevenson, do you have a  
20 copy of the signed documents?

21 MR. STEVENSON: I do, Your Honor.

22 THE COURT: Is there a preliminary order of forfeiture  
23 also?

24 MS. CHALK: There will be, Your Honor. I just didn't  
25 have an opportunity to have it before the court.

1 THE COURT: That's understandable.

2 MR. STEVENSON: I'd also ask for the record that  
3 probation would note the stipulation as it relates to  
4 acceptance of responsibility.

5 THE COURT: Okay. Thank you.

6 MR. STEVENSON: May I approach, Your Honor?

7 THE COURT: Yes, sir. The plea agreement is a six --  
8 a seven-page document. It's been fully executed. It's  
9 received in the record.

10 The supplement is a five-page document. It's fully  
11 executed, and it's received under seal.

12 Has anyone attempted in any way to force you to plead  
13 guilty in this case?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you pleading guilty of your own free  
16 will because you are guilty?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that the offense to  
19 which our pleading guilty or the offenses are felony offenses?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And do you understand that if I accept  
22 your plea you will be adjudged guilty of those offenses?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Obviously I know that one of these  
25 offenses is related to a prior conviction that you have. But

1 to the extent that your civil rights may have been restored, I  
2 want to make sure that you understand that a felony conviction  
3 may deprive you of valuable civil rights such as the right to  
4 vote, the right to hold public office, the right to serve on a  
5 jury, and rate right to possess any kind of firearm. Do you  
6 understand?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Also want to make sure you understand the  
9 possible penalties related to Counts 1 and 3. Count 1 charges  
10 you under Title 21 of the United States Code Section 841(a)(1)  
11 with possession with intent to distribute five grams or more of  
12 methamphetamine. Do you understand that that carries term of  
13 incarceration of not less than five years and not more than 40  
14 years?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. Do you understand that that carries  
17 a fine of up to \$5 million?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that it carries term of  
20 supervised release of not less than four years?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. Count 3 charges you under 18  
23 USC Section 924(c) for possession of a firearm in furtherance  
24 of a drug trafficking crime. Do you understand that that  
25 carries term of incarceration of not less than five years but

1 not more than life?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand it carries a fine of up  
4 to \$250,000?

5 THE DEFENDANT: Yes, sir.

6 MS. CHALK: Your Honor, I'm sorry. I left off the  
7 word "consecutive" for the 924(c). By statute Count 3 has to  
8 run consecutive to any other sentence imposed. That's plainly  
9 stated in the plea agreements. I apologize.

10 THE COURT: Thank you. All right. Mr. Seales, that's  
11 an important point. I want to make sure you understand that  
12 Count 3 is not less than five years but not more than life  
13 consecutive to the sentence as to Count 1. Do you understand  
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: In other words, it's added on top of  
17 whatever the sentence is for Count 1. Do you understand?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. All right. Do you understand that  
20 Count 3 carries a term of supervised release of not more than  
21 five years, that --

22 MS. CHALK: One second, Your Honor.

23 (Short Pause)

24 MS. CHALK: I think it's three years, Your Honor.

25 (Short Pause)



1 MS. CHALK: Your Honor, I've consulted with probation.  
2 Since the maximum is up to life, it is not more than five  
3 years.

4 THE COURT: And is it consecutive to Count 1?

5 MS. CHALK: All supervision terms are concurrent, Your  
6 Honor.

7 THE COURT: All right. So do you understand that as  
8 to Count 3 there would be a term of supervised release of not  
9 more than five years?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And do you understand that with respect to  
12 supervised release that you would be on supervised release  
13 after you are released from prison?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you understand that while you're on  
16 supervised release there's certain rules you have to follow?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that if you break the  
19 rules you could be sent back to jail?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand that if that happens you  
22 could be sent back for the full term of your supervised release  
23 and you would not get any credit for any time you had already  
24 served on supervised release?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand in this case I would  
2 order you to forfeit certain property to the government?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Ms. Chalk, I don't think there's a  
5 restitution issue.

6 MS. CHALK: There is not, Your Honor.

7 THE COURT: Okay. Mr. Seales, do you understand that  
8 there's a mandatory assessment of \$100 per count?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that all these things  
11 I've just gone through, a term of incarceration, the fine,  
12 supervised release, special assessment forfeiture, these are  
13 all possible consequences of changing your plea today?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you discussed the sentencing  
16 guidelines with Mr. Stevenson?

17 THE DEFENDANT: No, sir.

18 THE COURT: Well, let's make --

19 MR. STEVENSON: I apologize, Your Honor.

20 (Short Pause)

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Okay. Just to make sure we're all on the  
23 same page, when I say the "sentencing guidelines," there's a  
24 set of guidelines that help me determine the appropriate  
25 sentencing range for this particular case. Does that help you

1 recall whether you've discussed that with Mr. Seales?

2 THE DEFENDANT: No, sir. He said I would have to wait  
3 on the presentence report.

4 THE COURT: I'm sorry?

5 THE DEFENDANT: He said I would have to wait on the  
6 presentence report.

7 THE COURT: He's right about that. In fact, that's  
8 the next thing I was going to ask you. As we sit here today,  
9 nobody can tell you what your correct sentencing guideline  
10 range is. We've got to wait on the presentence report. But I  
11 just want to make sure that in general you have discussed the  
12 sentencing guidelines with Mr. Stevenson.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And then the point that he was making to  
15 you, and that is -- I assume he's giving you some estimates,  
16 but regardless of any estimates, we won't know what your  
17 sentencing guideline range is until that presentence report is  
18 finished. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And, in fact, the actual guideline range  
21 can be very different from any estimate that Mr. Stevenson told  
22 you. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Okay. Do you understand that the  
25 government range is advisory, which means I'll consider the

1 guideline range but I'm not required to follow it?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: So, in other words, I could impose a  
4 sentence that's below the guideline range as long as it's not  
5 below the statute, but below the guideline range, or I could  
6 impose a sentence that's above the guideline range and in this  
7 case anything up to life in prison. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And it's your intent to change your plea  
10 knowing that the sentence could be anything up to life in  
11 prison?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. Do you understand that there is no  
14 parole system in the federal system and that if you're  
15 sentenced to prison you're not going to be released on parole?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You can earn good-time credit, but there's  
18 no parole board like you would have in the state system. Do  
19 you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: I also want to make sure that you  
22 understand that by changing your plea you're going to give up  
23 some rights that you would otherwise have related to trials.  
24 Do you understand that you have the right to plead not guilty  
25 to any offense that's been charged against you and that you do

1 not have to change that plea?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that you would then have  
4 the right to a trial by jury?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that at trial you would  
7 be presumed innocent and the government would have to prove  
8 your guilt beyond a reasonable doubt?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that you would then have  
11 the right to the assistance of an attorney for every stage of  
12 your case and that if you could not afford an attorney, I would  
13 appoint one for you?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that if we had a trial  
16 you would have the right to be in the courtroom so that you  
17 could see and hear all the witnesses?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand you would have the right  
20 to have your attorney ask those witnesses questions in your  
21 defense?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that if you wanted to  
24 testify at trial, you would be allowed to testify but that if  
25 you did not want to testify, nobody could make you testify?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that you could issue  
3 subpoenas that would compel witnesses to come to court to  
4 testify in your defense?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that if you decided not  
7 to testify and if you decided not to put on any evidence at  
8 all, that those facts could not be used against you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And do you further understand that by  
11 entering a plea of guilt today you will have given up your  
12 right to a trial along with all these other rights related to  
13 trials that you and I just discussed?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I also want to make sure that you  
16 understand what's called the elements of the crime. In every  
17 criminal case, there's certain things that the government must  
18 prove. And the government must prove those things beyond a  
19 reasonable doubt. And not only that, they've got to prove all  
20 of them.

21 So, for example, if there are four essential elements,  
22 they've got to prove all four beyond a reasonable doubt. They  
23 can't prevail if they only prove three. Okay?

24 Now, I'm going to go through the elements of the two  
25 offenses in Counts 1 and 3.

1           Count 1 charges you under Title 21 of the United  
2 States Code Section 841(a)(1), which makes it a crime for  
3 anyone knowingly or intentionally to possess with intent to  
4 distribute a controlled substance. Methamphetamine is a  
5 controlled substance within the meaning of this law.

6           For a jury to find you guilty of this crime, it would  
7 have to be convinced that the government has proven each of the  
8 four elements beyond a reasonable doubt:

9           First, that the defendant knowingly possessed with  
10 intent to distribute a controlled substance.

11           Second, that the substance was methamphetamine.

12           Third, that the defendant possessed the substance with  
13 the intent to distribute it.

14           And, fourth, that the substance stated in the  
15 indictment is five grams or more of methamphetamine.

16           Count 3 charges you under Title I of the United States  
17 Code Section 924(c)(1), which makes it a crime for anyone to  
18 use or carry a firearm during and in relation to a drug  
19 trafficking crime. For a jury to find you guilty of this  
20 offense, it would have to be convinced that the government has  
21 proven each of the following beyond a reasonable doubt:

22           First, that the defendant knowingly possessed  
23 methamphetamine, a controlled substance, with intent to  
24 distribute it.

25           And, second, that the defendant knowingly used and

1 carried a firearm during and in relation to the defendant's  
2 possession of methamphetamine with intent to distribute.

3 Now, have you discussed those elements with  
4 Mr. Stevenson?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that the government has  
7 the burden of proving each essential element as to each count  
8 before a jury could find you guilty of those counts?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And do you understand what each of those  
11 elements means?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Mr. Stevenson, would you agree that you've  
14 had those conversations and that your client does understand  
15 the elements of the offense?

16 MR. STEVENSON: Yes, sir, that is correct.

17 THE COURT: All right. Mr. Seales, at this point  
18 Ms. Chalk is going to tell me the facts that she would have  
19 presented had we gone to trial. And again I'll ask you to  
20 listen closely because when she's finished I'm going to ask you  
21 if you agree with what she told me. Okay?

22 MS. CHALK: Thank you, Your Honor. If this case were  
23 to proceed to trial, the government would show that on  
24 January 22nd, 2018, members of the Gulf Coast Regional Fugitive  
25 Task Force traveled to 13321 Highway 16 East in Philadelphia,



1 Mississippi, to arrest the defendant, Dijon James Seales, also  
2 known as DJ, for a warrant that had been issued out of the  
3 Northern District of Texas for bond violations.

4 The members of the Gulf Coast Regional Task Force that  
5 arrived at the residence were clearly marked as members of  
6 police and United States Marshal Service. They came under the  
7 carport of the residence. There was an open door and proceeded  
8 to knock loudly and announce their presence.

9 They determined that there was movement inside the  
10 residence, and that movement had come from a single individual  
11 later identified as the defendant. The defendant took himself  
12 into one of the bedrooms and closed the door and attempted to  
13 go out a window of that bedroom. Another member of the task  
14 force was outside directing the defendant to show his hands and  
15 get on the ground. The defendant retreated back into the  
16 bedroom and tried to then go out through the hallway where  
17 other members of the team were there.

18 They attempted to place him under arrest. The  
19 defendant resisted, and the members of the Marshal Service had  
20 to deploy their taser in order to get the defendant arrested.

21 In the bedroom where the defendant had placed himself  
22 was found a Glock 43 pistol previously described serial number  
23 BEME924 that was in plain view on the side dresser table in  
24 that bedroom.

25 The additional firearm was also recovered and further

1 described as a Ruger AR-556 assault type rifle, serial number  
2 85413843, a bump stock, and two magazines lying in plain view  
3 on the floor of a closet, all within distance of the  
4 defendant -- in reaching distance of the defendant. There was  
5 also several rounds of ammunition to fit the rifle that was  
6 recovered.

7 Approximately 16.9 grams of methamphetamine was  
8 recovered from the pocket of the defendant. It was tested at  
9 the Department of Homeland Security, United States Customs and  
10 Border Protection crime laboratory to determine to be 16.9  
11 grams of methamphetamine with a purity of 72.4 percent, five  
12 grams of that in excess of the purity of 80 percent.

13 The defendant was also found in possession of \$1,800  
14 in cash that he had contained in a brown purse, bag type object  
15 that he was trying to flee the scene with.

16 The agent took the defendant into custody. All of  
17 items were then recovered and taken to the crime laboratory for  
18 testing of the methamphetamine, and the firearms and related  
19 ammunition were turned over to the Bureau of Alcohol, Tobacco,  
20 Firearms, and Explosives.

21 The defendant possessed the methamphetamine with the  
22 intent to distribute it on January 22, 2018. He also possessed  
23 and used and carried these firearms in furtherance of a drug  
24 trafficking crime in relation to the drug trafficking crime as  
25 charged in Count 1 of the indictment.

1           This activity occurred in Philadelphia, Mississippi,  
2           which is in Neshoba County in the Northern Division of the  
3           Southern District of Mississippi within the jurisdiction of  
4           this court.

5           THE COURT: Thank you. Mr. Seales, did you hear and  
6           understand everything that Ms. Chalk said?

7           THE DEFENDANT: Yes, sir.

8           THE COURT: And do you agree with the facts that she  
9           just told me?

10          THE DEFENDANT: Yes, sir.

11          THE COURT: All right. How do you now wish to plead?  
12          Guilty or not guilty as to Counts 1 and 3?

13          THE DEFENDANT: Guilty.

14          THE COURT: It's the finding of the court in the case  
15          of United States v. Dijon -- how do you pronounce your middle  
16          name?

17          THE DEFENDANT: Jamease.

18          THE COURT: Dijon Jamease Seales having reviewed the  
19          defendant in court and considered his demeanor and responses,  
20          the defendant is fully competent and capable of entering an  
21          informed plea, that the defendant is aware of the nature of the  
22          charges and the consequences of the plea and that the plea of  
23          guilty as to Counts 1 and 3 are knowing and voluntary pleas  
24          supported by an independent basis in fact containing each of  
25          the essential element of the offense. The plea is therefore

1 accepted and the defendant is adjudged guilty of those  
2 offenses.

3 Counsel, I'm looking at May 10th at 9:00.

4 MR. STEVENSON: May I have a brief moment just to  
5 check?

6 THE COURT: Of course.

7 MS. CHALK: That's fine with the government, Your  
8 Honor.

9 MR. STEVENSON: It's going to take my phone a moment  
10 to power up. I don't believe we have a conflict, and I'll  
11 notify the court right away if we do.

12 THE COURT: Obviously, Mr. Stevenson, if there's a  
13 conflict we'll work around it. But for now let's set it for  
14 May 10 at 9:00.

15 Mr. Seales, between now and then the probation office  
16 will prepare the presentence report that we discussed earlier.  
17 They will probably start that process in just a minute.

18 You have the right to have Mr. Stevenson with you  
19 whenever you meet with the probation officers, and I also  
20 encourage defendants to make sure that you do have your  
21 attorney with you. I say this every time, and then as recently  
22 as last month somebody ignored my advice. They met with the  
23 probation officer without their attorney and said something  
24 really stupid that increased their sentence. Your attorney is  
25 there to help you. Make sure he's with you. Okay?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Once that report's finished,  
3 you're going to get a copy. So will the government. Everybody  
4 will have a chance to make objections if there are things in  
5 the report that you disagree with.

6 If the objections can't be resolved -- and sometimes  
7 they can be. If they can't, I'll rule on the objections when  
8 we come back on May 10th.

9 Also on May 10th, you will at that point have your  
10 right of allocution, and you can tell me at that time anything  
11 that you want me to know before the sentence is imposed. Okay?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Is there anything further from  
14 the government at this point?

15 MS. CHALK: No, Your Honor.

16 THE COURT: I know that it's an unusual situation but  
17 you're going to give me the preliminary order of forfeiture  
18 maybe sometime next week?

19 MS. CHALK: Yes, sir. I'll e-mail it to Mr. Stevenson  
20 so he and his client can review and sign it, and I'll tender it  
21 to the court.

22 THE COURT: All right. Mr. Stevenson, anything  
23 further from your side?

24 MR. STEVENSON: No, sir, nothing from defense.

25 THE COURT: If there is nothing else we're adjourned.

1 Thank you.

2 (Recess)

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## CERTIFICATE OF REPORTER

I, CHERIE GALLASPY BOND, Official Court Reporter, United States District Court, Southern District of Mississippi, do hereby certify that the above and foregoing pages contain a full, true and correct transcript of the proceedings had in the aforementioned case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

This the 14th day of October, 2019.

s/ *Cherie G. Bond*  
Cherie G. Bond  
Court Reporter